

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

KIERON DEREK PENIGAR,

Petitioner,

VS.

NO. 4:08-CV-080-A

NATHANIEL QUARTERMAN,  
Director, Texas Department  
of Criminal Justice,  
Correctional Institutions  
Division,

**Respondent.**

O R D E R

Came on for consideration the above-captioned action wherein Kieron Derek Penigar is petitioner and Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 25, 2008, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by March 17, 2008. Petitioner timely filed a document, which he titled, "Petitioner's Objection to the Magistrate's Findings, Conclusions, and Recommendations."

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court need not consider any nonspecific objections or any frivolous or

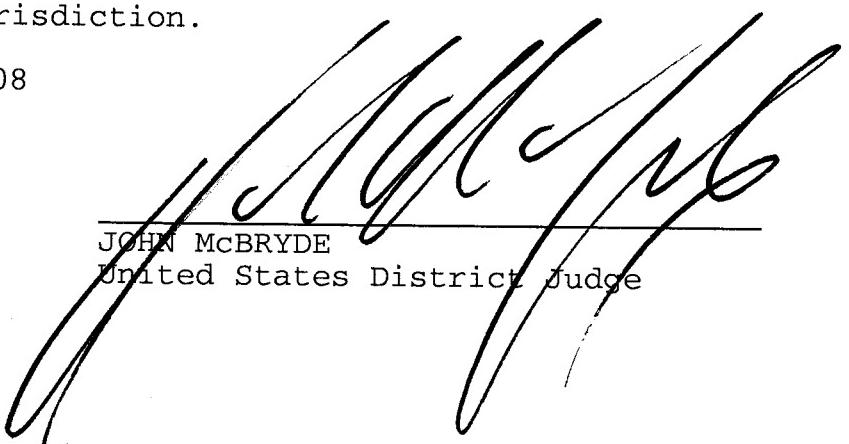
conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

The Magistrate Judge recommends that the petition be dismissed as successive pursuant to 28 U.S.C. § 2244(b)(1). A second or successive petition must be certified as provided in 28 U.S.C. § 2244(b)(3) by a panel of the appropriate court of appeals. Petitioner has not shown that his petition has been so certified. In his objections, he has not presented any specific objections to the Magistrate Judge's findings and conclusions, or otherwise shown that his petition has been certified as required by § 2244(b)(3).<sup>1</sup>

Therefore,

The court ORDERS that petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be, and is hereby, dismissed for want of jurisdiction.

SIGNED March 17, 2008

  
JOHN MCBRYDE  
United States District Judge

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<sup>1</sup>In his objections, petitioner takes the position that the state court failed to properly invoke its subject-matter jurisdiction, but he does not provide anything responsive to the Magistrate Judge's findings and conclusions.